

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff/Counter Defendant,

v.

GENERAL DYNAMICS CORPORATION
AND DOW CHEMICAL COMPANY,

Defendants/Counter Claimants.

Civil Action No. 8:23-cv-00416

JOINT MOTION TO EXTEND CASE DEADLINES

Plaintiff, the United States of America, and Defendants, General Dynamics Corporation and Dow Chemical Company, jointly move to extend the case deadlines established in the current Case Progression Order entered by this Court on March 5, 2024 (Filing No. 39). In accordance with Local Rule NECivR 7.2, the parties will email a proposed Amended Case Progression Order to the chambers of U.S. Magistrate Judge Michael D. Nelson at nelson@ned.uscourts.gov.

As discussed during the parties' December 5, 2024 telephonic conference with Judge Nelson, Plaintiff requested additional time to complete its document productions. Following multiple discussions among the parties and with the Court, Defendants agreed to extend production deadlines solely to allow Plaintiff additional time to produce outstanding documents responsive to Defendants' requests. The parties request to adjust subsequent case deadlines following the completion of discovery by a commensurate amount of time.

Specifically, the parties request the following revised deadlines be adopted in the Amended Case Progression Order. The parties additionally request that the court set a planning conference on or about September 23, 2025, or at the court's convenience approximately 60 days

after the currently scheduled date of July 23, 2025, to align with the rest of the amended case deadlines. In Paragraph 10 below and Paragraph 10 of the parties' proposed order, a space has been provided for this date and time to be inserted.

- 1) All responses to written discovery are due **December 23, 2024** (current deadline), unless the parties reach agreement otherwise.
- 2) All non-classified documents are to be produced by **February 24, 2025**. Completed privilege logs corresponding to document productions made prior to December 6, 2024, were due December 6; completed privilege logs corresponding to productions made after December 6, 2024, are due no later than **February 7, 2025**.
- 3) The parties shall provide joint status reports regarding the production of classified documents on or before **January 17, 2025**, and **February 28, 2025**. These status reports must detail the parties' progress and efforts made towards the production of currently classified, responsive documents, and provide an anticipated date of completion.
- 4) A status conference to discuss case progression and the status of discovery is set for **March 3, 2025**, at 10:00 AM by telephone before Magistrate Judge Michael D. Nelson. Counsel shall use the conference instructions at Filing No. [203] to participate in the call.
- 5) The preliminary deadline to complete production of currently classified documents is **March 10, 2025**. In the event that Plaintiff believes it will be unable to meet the March 10, 2025 preliminary deadline for the production of currently classified documents, the parties shall meet and confer and shall apprise the Court of any agreement(s) reached or any continuing dispute regarding the production of currently classified documents.
- 6) The parties agree that Defendants will be permitted to seek follow-up discovery related to the production of currently classified documents, and may request the reopening of depositions, but any such discovery must be limited to the scope of any currently classified documents produced after February 24, 2025. Subject to the parties' agreement, Plaintiff reserves the right to object to any requested discovery, including any objection that such discovery, including any request for reopening a deposition, is inconsistent with the Federal Rules of Civil Procedure or is not of a type contemplated by the parties' agreement.
- 7) Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by **March 10, 2025**.

- 8) The fact deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is **March 31, 2025**.
- 9) Experts:
 - a. The deadlines for identifying expert witnesses and completing expert disclosures for all experts expected to testify at trial, both retained experts, Fed. R. Civ. P. 26(a)(2)(B), and non-retained experts, Fed. R. Civ. P. 26(a)(2)(C), are:

The parties: **April 24, 2025**

Rebuttal: **June 23, 2025**

Sur-rebuttal: **August 4, 2025**
 - b. The expert deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is **September 18, 2025**.
 - c. The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **October 18, 2025**.
- 10) The trial and pretrial conference will not be set at this time. A planning conference to discuss case progression, dispositive motions, the parties' interest in settlement, and the trial and pretrial conference settings will be held with Magistrate Judge Michael D. Nelson on _____, **2025**, at _____ by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 11) The deadline for filing motions to dismiss and motions for summary judgment is **November 10, 2025**.

The parties request that the Court adopt the parties' proposed deadline extensions as set forth above and in their proposed Amended Case Progression Order, and set a revised date for the parties' planning conference currently scheduled for July 23, 2025.

Respectfully submitted,

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